

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOONBEAM CAPITAL
INVESTMENTS, LLC, and
TRAVELERS INDEMNITY
COMPANY,

Plaintiffs,

Case No. 2:18-cv-12606
District Judge Gershwin A. Drain
Magistrate Judge Anthony P. Patti

v.

INTEGRATED
CONSTRUCTION SOLUTIONS,
INC.

Defendant.

/

**ORDER DENYING DEFENDANT'S MOTION TO COMPEL ENTRY TO
THE BATHROOM OF ROOM 239 (ECF No. 59)**

This matter came before the Court for consideration of Defendant's motion to compel entry to the bathroom of Room 239 (ECF No. 59), Plaintiffs' response in opposition (ECF No. 67), Defendant's reply (ECF No. 68), and the parties' joint list of unresolved issues (ECF No. 84). Judge Drain referred this motion to me for a hearing and determination. (ECF No. 63.) A hearing was held on January 8, 2020, at which counsel appeared and the Court entertained oral argument regarding Defendant's motion.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Defendant's motion to compel entry to the bathroom of Room 239 is **DENIED**. The litany of reasons given from the bench included, but was not limited to the following: (1) the experts' reports were completed and exchanged in June 2019; (2) the experts' depositions were completed in September 2019; (3) allowing a new inspection would be prejudicial to Plaintiff; (4) the motion was filed three and a half months after the close of discovery; (5) Defendant had multiple opportunities to conduct the proposed inspection well before expert reports were due or discovery had closed (*see e.g.*, ECF No. 67-2, Page ID.3892, 3896); and, (6) the scheduling order made clear that, "The court will not order discovery to take place subsequent to the discovery cutoff date." (ECF No. 12, PageID.41.)

IT IS SO ORDERED.

Dated: January 9, 2020

65 P. 2

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE